

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2019 NOV 13 PM 3:04

Jesus Manuel Funes aka Manuel J. Funes
107 Gaff St. J.C. W.F. 07307

Write the full name of each plaintiff.

19 CV 10718

CV

(Include case number if one has been assigned)

-against-

New York Stock Exchange (NYSE)
Jerome Levy, David Caley, Jeanne Miller
Securities & Exchange Commission (SEC)
Harvey Goldschmid, Susan Wydecker, Al Pascu

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

"see attached"

COMPLAINT

Do you want a jury trial?

Yes No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

Federal Question

Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Agency Failure - Constitutional Failure

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Jerome Levy, is a citizen of the State of
(Defendant's name)

New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If the defendant is a corporation:

The defendant, New York Stock Exchange, is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in N.Y.N.Y.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Manuel

First Name

J.

Middle Initial

Faucia

Last Name

167 Griff. St.

Street Address

Hudson County, Jersey City, NJ.

County, City

07307

Zip Code

973-388-3344

Telephone Number

Faucia Manuel eqmwl.com

Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

<u>Jerome</u>	<u>Levy</u>
First Name	Last Name
<u>Arbitrator</u>	
Current Job Title (or other identifying information)	
<u>11 Wall St.</u>	
Current Work Address (or other address where defendant may be served)	
<u>N.Y.C.</u>	<u>N.Y.</u>
County, City	State
<u>10005</u>	
Zip Code	

Defendant 2:

<u>David</u>	<u>Caay</u>
First Name	Last Name
<u>Chief Legal Counsel</u>	
Current Job Title (or other identifying information)	
<u>11 Wall St.</u>	
Current Work Address (or other address where defendant may be served)	
<u>N.Y.C.</u>	<u>N.Y.</u>
County, City	State
<u>10005</u>	
Zip Code	

Defendant 3:

<u>Joanne</u>	<u>Milled</u>
First Name	Last Name
<u>Arbitrator</u>	
Current Job Title (or other identifying information)	
<u>11 Wall St.</u>	
Current Work Address (or other address where defendant may be served)	
<u>N.Y.C.</u>	<u>N.Y.</u>
County, City	State
<u>10005</u>	
Zip Code	

Defendant 4:

Current Job Title (or other identifying information)

Current job title (or other identifying information)
200-11-0087 #130

300 Vesey St. 1900

Current Work Address (or other address where defendant may be served)

N.Y.C. N.Y. 10281
County, City State Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: NYSE.

Date(s) of occurrence: _____

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

See Attached

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

see Attached

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

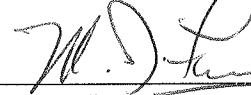
See Attached

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

11/18/19 
Dated Plaintiff's Signature

Manuel J. Francice
First Name Middle Initial Last Name

167 Gaith St.
Street Address

Hudson Jersey City N.J. 07307
County, City State Zip Code

973-388-3344
Telephone Number

Franice Manuel@gmail.com
Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Manuel J. Funcia
167 Griffith St.
Jersey City, New Jersey 07307
(973) 388-3344

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JESUS MANUEL FUNCIA AKA MANUEL J. FUNCIA,

Plaintiff.

vs.

NEW YORK STOCK EXCHANGE NYSE GROUP (JEROME
LEVY, DAVID CAREY AND JEANNE MILLER)
SECURITIES AND EXHANGE COMMISION (SEC), HARVEY
GOLDSCHMIT, SUSAN WYDERKA, AL PENSA, AND JIM
CLARKSON, ABN-Amnro, ING, Furman Selz, Micheal
Pyrcki, David Duffy

Defendants.

MOTION TO FILE FOR JUDICIAL
REVIEW

PLEASE TAKE NOTICE THAT, Mr. Funcia is seeking Judicial Review due to the Gross Negligence, Dereliction of Duty and Agency Failure on the part of the SEC. That we have as proof the Freedom of Information Act (19-00070-FOIA, 19-02372-FOIA). The SEC, Harvey Goldschmidt, Susan Wyderka, had been contacted by Mr. Funcia before the arbitration processes started. Later after the arbitration Mr. Funcia contacted the SEC Washington office once again by reaching out to Al Pensa. Documents of proof were sent to Mr. Pensa via email to the SEC office. Later during the District court and Appellate court battle with the NYSE, No response from the SEC office either in New York or Washington. Mr. Funcia then proceeded to contact and deliver documents and evidence to Jim Clarkson. Then newly appointed head of

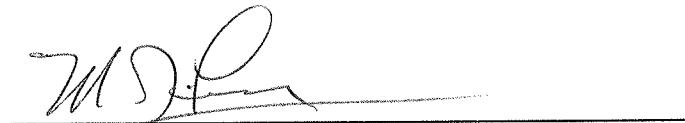
the SEC office in New York City. This occurred in late 2008, shortly after the Madoff incident came out. In a proceeding conversation with Mr. Clarkson it was explained that SEC had failed to do its job in no uncertain terms. Mr. Clarkson after reviewing the documents had informed me that "My people will be back to you." Since no one reached out to me the FOIA was used to find said documents and force the court to hold the SEC and NYSE group responsible. The SEC for its dereliction and the NYSE group for its stained arbitration (date of stained arbitration and MS. Miller misconduct is October 28 2004), a failure to arbitrate, Two Delinquent Supervision. One for Mr. William J. Hackett for his Malice and Reckless behavior and the other for Ms. Jeanne Miller who was dismissed by Mr. Funcia for her misconduct, gross and completely biased behavior. The SEC is to be held responsible for its Dereliction to the tune of 7 million US Dollars. The NYSE group 7.4 million for its Failure to arbitrate and held responsible for Ms. Miller's misconduct to the tune of an additional 7 million dollars. Last court ruling 07 CV 1745 (RWS) (MHD)

We have an Open Hate Crime committed by Mr. Hackett and the parties mentioned Must be held accountable. Mr. Levy was told about the arbitrator being completely out of control. Mr. Funcia personally dismissed her in no uncertain terms. Still the exchange and Mr. Levy failed to remedy the simple fact that we now had and have two separate Delinquent Supervisions. Now as a result of the SEC failure we have a third charge of Agency Failure. The SEC failed in its duty. Mr. Funcia had contacted the SEC before, during and after the arbitration, the courts had no knowledge that the SEC had been contacted and were completely derelict in their duty.

We have a failure here that needs your legal understanding. We have an incident that seems to have fallen through the cracks. An incident that should never happen again. An extremely egregious example of Agency Failure.

Mr. Funcia next course of action is to contact the New York Times and Wall Street Journal over this perverse fail on the part of the parties. Open hate crimes on the trading desk and absolutely nothing is done about it at any level.

11/14/19

A handwritten signature in black ink, appearing to read "M.J. Funcia", is written over a horizontal line.

Manuel J. Funcia

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS *Jesas Manuel Funez*DEFENDANTS *NYSE Group et Al*
see attached.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)

(PRO SE)

Manuel Funez
867 Cedar St.
T.C. N.Y. 07307CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)*Agency Failed**28 USC § 1331*Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. *07cv1745*

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS			ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM	
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE	
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	REAPPORTIONMENT	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	PROPERTY RIGHTS		[] 410 ANTITRUST	
[] 151 MEDICARE ACT	[] 340 MARINE	PERSONAL PROPERTY		[] 820 COPYRIGHTS	[] 430 BANKS & BANKING	
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT	[] 440 COMMERCE		
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[] 460 DEPORTATION		
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 840 TRADEMARK		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)		
[] 190 OTHER CONTRACT	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	SOCIAL SECURITY		[] 480 CONSUMER CREDIT	
[] 195 CONTRACT PRODUCT LIABILITY	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR	[] 490 CABLE/SATELLITE TV		
[] 196 FRANCHISE	ACTIONS UNDER STATUTES		[] 710 FAIR LABOR STANDARDS ACT	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE		
CIVIL RIGHTS		[] 720 LABOR/MGMT RELATIONS	[] 861 HIA (1395f)			
[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)		[] 740 RAILWAY LABOR ACT	[] 862 BLACK LUNG (923)			
REAL PROPERTY		[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 863 DIWC/DIWV (405(g))			
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 790 OTHER LABOR	[] 864 SSID TITLE XVI			
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 791 IRS-THIRD PARTY	[] 865 RSI (405(g))			
[] 230 RENT LEASE & EJECTION	[] 443 HOUSING/ ACCOMMODATIONS	PRISONER CIVIL RIGHTS	26 USC 7609	[] 890 OTHER STATUTORY ACTIONS		
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS	FEDERAL TAX SUITS			
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 555 PRISON CONDITION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS		
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS		
			SECURITY ACT (ERISA)	[] 895 FREEDOM OF INFORMATION ACT		
				[] 896 ARBITRATION		
				[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION		
				[] 950 CONSTITUTIONALITY OF STATE STATUTES		

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).